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10/698,708	10/30/2003	Cyril Brignone	100203274-1	1932
22879	7590	11/26/2010	EXAMINER	
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ART UNIT		PAPER NUMBER		
2453			NOTIFICATION DATE	
11/26/2010			DELIVERY MODE	
ELECTRONIC				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)
	10/698,708	BRIGNONE ET AL.
	Examiner	Art Unit
	AZIZUL CHOUDHURY	2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 September 2010.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

Detailed Action

This office action is in response to the correspondence received on September 10, 2010.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al (US Patent No: 6,122,520) in view of Schneider (US Patent No: US 7,035,896), hereafter referred to as Want and Schneider, respectively.

1. With regards to claims 1 and 22, Want teaches through Schneider, a computer readable storage medium having a data structure disposed therein for providing information corresponding to a geographic location, said data structure

comprising: a first data field for identifying said geographic location and positional data related to a physical location of said geographic location (*see coordinate, column 2, lines 6-14 and column 3, lines 41-45, Want*); and a second data field associated with said first data field for containing said information, said second field is comprising a uniform resource locator, wherein a user can access said information (*see URL, column 2, lines 23-26, Want*); wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing, wherein a physical location of said client device is not required to be transmitted (*Want teaches the URL and coordinate information (see column 2, lines 23-26, Want) being transmitted via IR beacon (virtual beacon) to the client device; see column 6, line 54 - column 7, line 9, Want. Want does not teach the transmission of a physical location*); said virtual beacon selectively provides a portion of said information to said client device on said network, wherein said portion is based on a context relating to a user of said client device; and said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information

While Want describes the URL and coordinate information being stored within a unique URL, Want does not explicitly state the URL and geographic location being stored within a data structure. In the same field of endeavor, Schneider

also teaches location based web pages; see column 2, lines 50-60, Schneider. Schneider teaches within the disclosure a data structure containing a URI (URL) and GPS data (geographical data); see column 9, lines 60-67, Schneider. In addition, Schneider teaches delivering a start page customized based on user context information (selectively provide a portion of information based on user context); see column 7, lines 1-20, Schneider. Furthermore Schneider also teaches the start page (information) provided to the user can be based on time (temporal pertinence); see column 2, lines 61-66 and column 3, lines 12-17 and column 7, Schneider. The storage of geographical data and URL information within a data structure helps location based web pages to provide more accurate information to users. Therefore it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Want with those of Schneider to help provide location based web pages; see column 2, lines 50-60, Schneider.

2. With regards to claim 2, Want teaches through Schneider, the computer readable storage medium wherein said context is subject to filtering and wherein said filtering functions to deter locating said user (see column 5, lines 58-67, Want).

3. With regards to claims 3, 11 and 17, Want teaches through Schneider, the computer readable storage medium wherein the receivability of said data

structure to said client device is activated or deactivated in response to said condition (*see Schneider, column 2, lines 65-66, Schneider*).

4. With regards to claims 4, 12 and 18, Want teaches through Schneider, the computer readable storage medium wherein said condition comprises a quality selected from the group consisting essentially of time and a locational aspect of said client device (*see column 2, lines 6-14, Want and column 2, lines 65-66, Schneider*).
5. With regards to claims 5, 13 and 19, Want teaches through Schneider, the computer readable storage medium wherein said locational aspect comprises a state selected from the group consisting essentially of directional orientation, tilt orientation, residing within a specified area of coverage, motion through said specified area of coverage, and accessibility of said location to a position of said client device (*see column 3, lines 41-45, Want*).
6. With regards to claims 6, 14 and 20, Want teaches through Schneider, the computer readable storage medium wherein said condition comprises a sequence of events occurring and wherein said area of coverage changes dynamically in response to said sequence of events (*see column 7, lines 39-52, Want*).

7. With regards to claims 7, 15 and 21, Want teaches through Schneider, the computer readable storage medium wherein said context comprises an attribute of said user, said attribute selected from the group consisting essentially of identity, profile, history, a preference, a credential, capability, an interest, and a privacy selection (see *column 5, lines 58-67, Want*).
8. With regards to claim 8, Want teaches through Schneider, the computer readable storage medium wherein said client device comprises a portable computing device and wherein said context is stored on said portable computing device (see *column 2, lines 15-20, Want*).
9. With regards to claims 9 and 23, Want teaches through Schneider, the computer readable storage medium wherein said first data structure comprises a latitude and a longitude wherein said second data field is selected from the group consisting essentially of a uniform resource locator and a telephone number (see *column 2, lines 6-14, Want and column 10, lines 1-9, Schneider*).
10. With regards to claim 10, Want teaches through Schneider, a network based system for selectively providing a data structure to a client device, said data structure having a first data field for identifying a geographic location and positional data related to a physical location of said geographic location and a second data field associated with said first data field containing information

corresponding to said location, said second field is comprising a uniform resource locator, comprising: a filter coupled to said network for accessing context stored at said client device and on the basis of said context determining that said data structure is pertinent to a user of said client device and wherein said filter functions to deter locating said user, wherein said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information, and wherein a physical location of said client device is not required to be transmitted (*Want teaches the URL and coordinate information being read (filtered and accessed); see column 6, line 54—column 7, line 9, Want. Want does not teach the sending of a physical location. See Schneider below for temporal pertinence*); a server coupled to said network for selectively furnishing said data structure to said client device on the basis of said determining, wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location is downloaded to said client device when said client device is near said physical location such that said uniform resource locator is accessible without browsing (*Want teaches the URL and coordinate information (see column 2, lines 23-26, Want) being transmitted via IR beacon to the client device; see column 6, line 54 - column 7, line 9, Want*); and a database coupled to said server for storing a plurality of said data structures and providing said data structure to said server.

While Want describes the URL and coordinate information being stored within a unique URL, Want does not explicitly state the URL and geographic location being stored within a data structure. In the same field of endeavor, Schneider also teaches location based web pages; see column 2, lines 50-60, Schneider. Schneider teaches within the disclosure a data structure containing a URI (URL) and GPS data (geographical data); see column 9, lines 60-67, Schneider. In addition, Schneider teaches delivering a start page customized based on user context information (filter information based on user context); see column 7, lines 1-20, Schneider. Furthermore Schneider also teaches the start page (information) provided to the user can be based on time (temporal pertinence); see column 2, lines 61-66 and column 3, lines 12-17 and column 7, Schneider. The storage of geographical data and URL information within a data structure helps location based web pages to provide more accurate information to users. Therefore it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Want with those of Schneider to help provide location based web pages; see column 2, lines 50-60, Schneider.

11. With regards to claim 16, Want teaches through Schneider, a network based method for selectively providing a data structure, said data structure having a first data field for identifying a geographic location and positional data related to a physical location of said geographic location and a second data field associated with said first data field containing information corresponding to said location,

said second field is comprising a uniform resource locator, to a client device, said method comprising: in response to a request from said client device, seeking context that characterizes a user of said client device (*see column 4, lines 20-39, Want*); in response to said seeking, filtering said context to deter locating said user (*Want teaches the URL and coordinate information being read (filtered and accessed); see column 6, line 54—column 7, line 9, Want*); upon said filtering, determining from said context that said data structure is pertinent to said user; in response to said determining, sending a portion of said data structure to said client device, wherein said portion is based on said context, wherein the first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location is sent to said client device when said client device is near said physical location such that said uniform resource locator is accessible without browsing (*Want teaches the URL and coordinate information (see column 2, lines 23-26, Want) being transmitted via IR beacon (virtual beacon) to the client device; see column 6, line 54 - column 7, line 9, Want*); and dynamically updating said context and said portion of said data structure based on a condition relating to a temporal pertinence of said information and said portion of said data structure, wherein a physical location of said client device is not required to be transmitted (*Want does not send the physical location*)

While Want describes the URL and coordinate information being stored within a unique URL, Want does not explicitly state the URL and geographic location

being stored within a data structure. In the same field of endeavor, Schneider also teaches location based web pages; see column 2, lines 50-60, Schneider. Schneider teaches within the disclosure a data structure containing a URI (URL) and GPS data (geographical data); see column 9, lines 60-67, Schneider. In addition, Schneider teaches delivering a start page customized based on user context information (filter and sending portion of information based on user context); see column 7, lines 1-20, Schneider. Furthermore Schneider also teaches the start page (information) provided to the user can be based on time (temporal pertinence); see column 2, lines 61-66 and column 3, lines 12-17 and column 7, Schneider. The storage of geographical data and URL information within a data structure helps location based web pages to provide more accurate information to users. Therefore it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Want with those of Schneider to help provide location based web pages; see column 2, lines 50-60, Schneider.

12. With regards to claim 24, Want teaches through Schneider, the computer readable storage medium wherein said first data structure comprises a plurality of fields wherein said fields identify said geographic location, wherein said absolute reference comprises a plurality of coordinate systems, and wherein each field of said plurality of fields is defined in a separate coordinate system of said plurality of coordinate systems (see column 5, lines 6-23, Want).

13. With regards to claim 25, Want teaches through Schneider, the computer readable storage medium wherein said first data structure comprises a plurality of fields wherein said fields identify said geographic location, wherein said relative reference comprises a plurality of coordinate systems, and wherein each field of said plurality of fields is defined in a separate coordinate system of said plurality of coordinate systems (*see column 5, lines 6-23, Want*).
14. With regards to claim 26, Want teaches through Schneider, the computer readable storage medium wherein said first data structure comprises a plurality of fields wherein said fields identify said geographic location, wherein each field of said plurality of fields is defined in a separate coordinate system of said plurality of coordinate systems, and wherein a first field of said plurality of fields is defined based on said absolute reference and a second field of said plurality of fields is defined based on said relative reference (*see column 5, lines 6-23 and lines 58-67, Want*).
15. The obviousness motivation applied to claims 1, 10, 16 and 22 are applicable towards their respective dependent claims.

Response to Arguments

Applicant's arguments filed September 10, 2010 have been fully considered but they are not persuasive. The following are the examiner's response to the applicant's principal concerns.

The first point of contention addressed by the applicant concerns the combinations of the prior arts. The applicant contends that there is no reason to combine Want with Schneider as a whole, the examiner respectfully disagrees. Want teaches means by which to provide a user with location-specific information on the Internet (see Summary section of Want). In the same field of endeavor, Schneider also teaches means by which to provide a user a start page on the Internet based on location (see Summary section of Schneider). While Want describes the URL and coordinate information being stored within a unique URL, Want does not explicitly state the URL and geographic location being stored within a data structure. Schneider teaches within the disclosure a data structure containing a URI (URL) and GPS data (geographical data); see column 9, lines 60-67, Schneider. The storage of geographical data and URL information within a data structure helps location based web pages to provide more accurate information to users. Therefore it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Want with those of Schneider to help provide location based web pages; see column 2, lines 50-60, Schneider.

The second point of contention concerns the newly amended claim limitation of wherein a physical location of said client device is not required to be transmitted. The

applicant contends that neither prior art teaches such a feature, and in fact, that Want actually teaches away from such a feature. The examiner disagrees. The applicant specifically highlights Want disclosing the client device transmitting coordinates and contends that this proves that Want's system requires a client's physical location to be sent. The examiner disagrees. The examiner first would like to point out that the Schneider prior art already teaches how physical location does not have to be sent. Second, Want does not send the physical location; it sends the positional data (the coordinates) of the physical location, just like the applicant's own invention (*emphasis added*). If applicant refers to at least the last paragraph on page 22, it is clearly highlighted how positional data is sent from the client. This positional data is coordinates from a GPS or user entry. Further support for this fact can be found throughout the applicant's specifications including pages 12, 13, 15, 16, 19 and 24. Hence based on the applicant's own specifications, both Want and Schneider teach the newly claimed feature of not requiring the transmission of a physical location.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele can be reached on (571) 272-7288. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2453

/Krista M. Zele/
Supervisory Patent Examiner, Art Unit 2453

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